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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,263	09/27/2001	Howard Yaphe	ZL369-02008	3416

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,263

Applicant(s)

YAPHE ET AL.

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-7 and 9-16 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. the amendment filed on July 8, 2003 has been entered. Accordingly:
 - Claim 3 has been cancelled; and
 - Claims 1, 2, 4-8, 10, 11, 15 and 16 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2875

3. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Corcorran et al. (US Patent No.: 6,305,816 B1).

Corcorran et al. ('816 B1) discloses a linear light fixture 10 (Figures 1 and 2, column 3, line 48) for suspension from overhead structure 17 (Figure 1, column 3, line 61), and the linear light fixture 10 comprising:

- an elongated housing 12 (Figures 1 and 2, column 3, line 64) having a bottom wall 28 and an elongated top wall 30,32 – consisting two longitudinal portions 30 and 32 – defining an elongated slot 34 (Figures 2 and 3, column 4, lines 55-59) extending along the elongated housing top wall 30,32 (Figures 2 and 3);
- a plurality of housing supports 18 (Figures 2 and 3, column 3, lines 56-59) mounted within the elongated housing 12;
- each of the housing supports further having a bottom surface portion 50 and a top surface portion 54 (Figures 2 and 3, column 4, lines 26-29) conforming in shape to the elongated housing 12 (Figures 2 and 3);
- the bottom surface portions 50 and the top surface portions 54 of the housing supports 18 respectively engaging in mating slide fit (Figures 2 and 3, column 5, lines 40-49) relationship;
- the bottom surface portions 50 and the top surface portions 54 of the housing supports 18 supporting the respective bottom wall 28 and the top wall 30,32 in fixed spaced relation to each other (Figures 2 and 3, column 5, lines 40-45);

Art Unit: 2875

- the housing supports 18 being adapted for suspension from the overhead structure 17, and supporting the elongated housing 12 (Figures 1 and 2, column 3, lines 59-61);
- the top wall 30,32 and bottom wall 28 of the elongated housing 12 having a cross- section in the form of an eyelet with the top wall 30,32 and the bottom wall 28 meeting at the corners of the eyelet (Figures 2 and 3, column 4, lines 55-59); and
- the top wall portions 30 and 32 being spaced apart with an elongated slot 34 (Figures 2 and 3, column 4, lines 55-59) extending along the elongated housing top wall 30,32 (Figures 2 and 3).

Allowable Subject Matter

4. Claims 1,2,4-7 and 9-16 are allowed

The prior art of record, including Corcorran et al. (US Patent No.: 6,305,816 B1) and Soorus et al. (US Patent No.: 5,806,967), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose proper motivation for combining:

- the first and second supports each including peripheral flange- having a positive structural stop, limiting its placement into the housing of the fixture as recited in Claim 1;

Art Unit: 2875

- abutting of the peripheral flange of each support and the peripheral edge of the elongated housing as recited in Claim 1;
- each of the first and second supports including a connector recess housing a first electric plug with its connection terminals facing outwardly of the housing for connection with a power source as recited in Claim 11.

Corcorran et al. ('816 B1) discloses a linear light fixture including first and second supports each having peripheral surface. However, the peripheral surface does not have positive structural stop limiting its placement into the housing. Corcorran et al. ('816 B1) teaches the use of hanger attachment fasteners for securing each of the first and second supports to the elongated housing. This structural arrangement and limiting mechanism, as taught by Corcorran et al. ('816 B1), does not meet the above-indicated limitation of Claim 1.

Neither combined nor individual teaching of Corcorran et al. ('816 B1) and Soorus et al. ('967) teaches a support including a connector recess housing a first electric plug having its connection terminals facing outwardly of the housing. This structural arrangement and limiting mechanism does not meet the above-indicated limitation of Claim 11.

Therefore Claims 1 and 11 are allowed over prior art.

Claims 2, 4,5-7,9,10 are necessarily objected because of their dependency on the objected base Claim 1.

Claims 12-16 are necessarily would be allowable because of their dependency on the allowed base Claim 11.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 703-306-5909. The examiner can normally be reached on 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS
September 22, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800